

House Bill 3711
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Title 112, Revised Statutes, is amended by adding Article 6259a to read as follows:

Art. 6259a. DEFINITION. In this title, a reference to a railroad corporation or a railroad company means:

- (1) a railroad incorporated under this title before September 1, 2007; or
- (2) any other legal entity operating a railroad in this state, including an entity organized under the Texas Business Corporation Act or the Texas Corporation Law provisions of the Business Organizations Code.

SECTION 2. Article 6336, Revised Statutes, is amended to read as follows:

Art. 6336. WHEN CORPORATION AND OWNER DISAGREE. (a) A [If any] railroad corporation may acquire property by condemnation if the corporation cannot [shall at any time be unable to] agree with the owner for the purchase of the property and the property is [any real estate, or material thereon,] required for the following purposes:

- (1) the [purpose of its] incorporation of the railroad;
- (2) [or] the transaction of railroad corporation [its] business;
- (3) [for its] depots, station buildings, and machine and repair shops;
- (4) [for] the construction of reservoirs for the water supply;
- (5) [or for] the right of way, or [for a] new or additional right of way;

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~~(6) a~~ a [~~,-for~~] change~~[,]~~ or relocation;

~~(7) a~~ a [~~or~~] road bed;

~~(8) shortening a~~ [~~,-to shorten the~~] line;

~~(9) reducing~~ [~~,-or any part thereof, or to reduce its~~] grades;

~~(10) [,-or any of them, or for]~~ double tracking the [~~its~~] railroad or constructing and operating [~~its~~] tracks; or

~~(11) [,-which is hereby authorized and permitted, or for]~~ any other [~~lawful~~] purpose connected with or necessary to the building, operating, or running of the railroad [~~its road, such corporation may acquire such property by condemnation thereof. The limitation in width prescribed by Article 6319 shall not apply to real estate or any interest therein, required for the purposes herein mentioned, other than right of way, and shall not apply to right of way when necessary for double tracking or constructing or adding additional railroad tracks, and real estate, or any interest therein, to be acquired for such other purposes, or any of them, need not adjoin or abut on the right way, and no change of the line through any city or town, or which shall result in the abandonment of any station or depot, shall be made, except upon written order of the Railroad Commission of Texas, authorizing such change~~].

~~(b) A~~ A [~~No~~] railroad corporation may not [~~shall have the right under this law to~~] condemn property under [~~any land for the purposes mentioned in~~] this article that is located [~~situated~~] more than two miles from the right of way of the [~~such~~] railroad corporation.

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SECTION 3. Article 6351, Revised Statutes, is amended to read as follows:

Art. 6351. EMINENT DOMAIN. A ~~[When any]~~ railroad corporation or a receiver ~~[receivers]~~ of a ~~[any]~~ railroad that changes, relocates, or abandons a ~~[shall have been empowered under the provisions of this law to change, relocate or abandon its]~~ line of railroad in this State may ~~[, it shall have full power to]~~ acquire by condemnation or otherwise all lands for right of way, depot grounds, shops, roundhouses, water supply sites, sidings, switches, spurs or any other ~~[lawful]~~ purposes connected with or necessary to the building, operating or running of the railroad, [its road] as changed, relocated or abandoned; provided~~[, however,]~~ that ~~[all]~~ property ~~[so]~~ acquired under this article is ~~[hereby]~~ declared ~~[to be]~~ for and ~~[is]~~ charged with public use ~~[so far as the same may be necessary]~~.

SECTION 4. Article 6445(a), Revised Statutes, is amended to read as follows:

(a) To the extent not preempted by federal law, ~~[Power and authority are hereby conferred upon]~~ the Texas Department of Transportation;

(1) has power and authority over:

(A) ~~[all]~~ railroads, including ~~[and]~~ suburban, belt and terminal railroads;

(B) ~~[, and over all]~~ public wharves, docks, piers, elevators, warehouses, sheds, tracks and other property used in connection with railroads; ~~[therewith in this]~~

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State,] and

(C) ~~[over all]~~ persons, associations and corporations, private or municipal, owning or operating a ~~[such]~~ railroad, ~~or a~~ wharf, dock, pier, elevator, warehouse, shed, track or other property used in connection with a railroad; and

~~(2) shall [to fix, and it is hereby made the duty of the said department to adopt all necessary rates, charges and regulations, to] govern and regulate those [such] railroads, persons, associations and corporations[, and to correct abuses and prevent unjust discrimination in the rates, charges and tolls of such railroads, persons, associations and corporations, and to fix division of rates, charges and regulations between railroads and other utilities and common carriers where a division is proper and correct,] and [to] prevent [any and all other] abuses in the conduct of their business [and to do and perform such other duties and details in connection therewith as may be provided by law].~~

SECTION 5. The following are repealed:

(1) Articles 6259, 6260, 6261, 6262, 6263, 6264, 6265, 6266, 6267, 6268, 6269, 6270, 6271, 6272, 6273, and 6274, Revised Statutes;

(2) Articles 6275, 6276, 6277, 6278, 6279, 6280, 6281, 6282, 6283, 6284, 6285, 6286, and 6287, Revised Statutes;

(3) Articles 6288, 6289, 6290, 6291, 6292, and 6293, Revised Statutes;

SECTION 5. The following are repealed:

(1) Articles 6259, 6260, 6261, 6262, 6263, 6264, 6265, 6266, 6267, 6268, 6269, 6270, 6271, 6272, 6273, and 6274, Revised Statutes;

(2) Articles 6275, 6276, 6277, 6278, 6279, 6280, 6281, 6282, 6283, 6284, 6285, 6286, and 6287, Revised Statutes;

(3) Articles 6288, 6289, 6290, 6291, 6292, and 6293, Revised Statutes;

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(4) Articles 6294, 6295, 6296, 6297, 6298, 6299, 6300, 6301, 6302, 6303, 6304, 6305, 6306, 6307, and 6308, Revised Statutes;

(5) Articles 6309, 6310, 6311, 6312, 6313, 6314, and 6315, Revised Statutes;

(6)(A) Articles 6316, 6317, 6319, 6321, 6322, 6323, 6325, 6328, 6329, 6330, 6331, 6332, 6333, 6334, 6335, and 6340, Revised Statutes; and

(B) Chapter 73, Acts of the 39th Legislature, Regular Session, 1925 (Article 6316a, Vernon's Texas Civil Statutes);

(7) Articles 6342, 6343, 6344, 6345, 6346, 6347, 6348, 6349, 6350, 6352, and 6353, Revised Statutes;

(8)(A) Articles 6354, 6355, 6356, 6357, 6358, 6359, 6360, 6361, 6362, 6363, 6364, 6365, 6368, 6369, 6372, 6373, 6374, 6375, 6376, 6379, 6380, 6381, 6382, 6383, 6384, 6385, 6386, 6387, 6388, 6389, 6390, 6391, 6392, 6393, 6394, 6395, 6396, 6397, 6398, 6399, 6401, 6403, 6404, 6405, 6406, 6407, 6408, 6409, 6410, 6411, 6412, 6413, 6414, 6415, 6416, 6418, and 6419, Revised Statutes;

(B) Chapter 33, Acts of the 69th Legislature, Regular Session, 1985 (Article 6398a, Vernon's Texas Civil Statutes);

(C) Chapter 240, Acts of the 40th Legislature, Regular Session, 1927 (Article 6418a, Vernon's Texas Civil Statutes); and

(D) Chapter 296, Acts of the 41st Legislature, Regular Session, 1929 (Article 6418b, Vernon's Texas Civil Statutes);

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(4) Articles 6294, 6295, 6296, 6297, 6298, 6299, 6300, 6301, 6302, 6303, 6304, 6305, 6306, 6307, and 6308, Revised Statutes;

(5) Articles 6309, 6310, 6311, 6312, 6313, 6314, and 6315, Revised Statutes;

(6)(A) Articles 6316, 6317, 6319, 6321, 6322, 6323, 6324, 6325, 6328, 6329, 6330, 6331, 6332, 6333, 6334, 6335, and 6340, Revised Statutes; and

(B) Chapter 73, Acts of the 39th Legislature, Regular Session, 1925 (Article 6316a, Vernon's Texas Civil Statutes);

(7) Articles 6342, 6343, 6344, 6345, 6346, 6347, 6348, 6349, 6350, 6352, and 6353, Revised Statutes;

(8)(A) Articles 6354, 6355, 6356, 6357, 6358, 6359, 6360, 6361, 6362, 6363, 6364, 6365, 6368, 6369, 6372, 6373, 6374, 6375, 6376, 6379, 6380, 6381, 6382, 6383, 6384, 6385, 6386, 6387, 6388, 6389, 6390, 6391, 6392, 6393, 6394, 6395, 6396, 6397, 6398, 6399, 6401, 6403, 6404, 6405, 6406, 6407, 6408, 6409, 6410, 6411, 6412, 6413, 6414, 6415, 6416, 6418, and 6419, Revised Statutes;

(B) Chapter 33, Acts of the 69th Legislature, Regular Session, 1985 (Article 6398a, Vernon's Texas Civil Statutes);

(C) Chapter 240, Acts of the 40th Legislature, Regular Session, 1927 (Article 6418a, Vernon's Texas Civil Statutes); and

(D) Chapter 296, Acts of the 41st Legislature, Regular Session, 1929 (Article 6418b, Vernon's Texas Civil Statutes);

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(9) Articles 6421, 6422, 6423, 6424, 6425, 6426, 6427, 6428, 6429, 6430, and 6431, Revised Statutes;

(10)(A) Articles 6448, 6449, 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458, 6459, 6460, 6461, 6462, 6463, 6466, 6469, 6470, 6471, 6472, 6473, 6474, 6478, 6479, 6480, 6481, 6482, 6483, 6484, 6485, 6486, 6487, 6488, 6489, 6490, 6491, 6492, 6493, 6494, 6495, 6496, 6497, 6498, 6499, 6500, 6501, 6502, 6503, 6504, 6505, 6506, 6507, 6508, 6509, 6510, 6511, 6512, 6513, 6514, 6515, 6516, 6517, 6518, and 6519, Revised Statutes;

(B) Chapter 43, Acts of the 41st Legislature, 5th Called Session, 1930 (Article 6472a, Vernon's Texas Civil Statutes);

(C) Chapter 127, Acts of 56th Legislature, Regular Session, 1959 (Article 6478a, Vernon's Texas Civil Statutes); and

(D) Chapter 110, Acts of the 43rd Legislature, Regular Session, 1933 (Article 6479a, Vernon's Texas Civil Statutes);

(11) Articles 6520, 6521, 6522, 6523, 6524, 6525, 6526, 6527, 6528, 6529, 6530, 6531, 6532, 6533, and 6534, Revised Statutes;

(12) Articles 6551, 6552, 6553, and 6554, Revised Statutes; and

(13)(A) Articles 6555, 6556, 6557, 6558, and 6559, Revised Statutes; and

(B) the following Acts and articles as compiled in Vernon's Texas Civil Statutes: 6559g-1, 6559g-2, 6559h-1, 6559h-2, 6559h-3, 6559h-4, 6559h-5, 6559h-6,

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(9) Articles 6421, 6422, 6423, 6424, 6425, 6426, 6427, 6428, 6429, 6430, and 6431, Revised Statutes;

(10)(A) Articles 6448, 6449, 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458, 6459, 6460, 6461, 6462, 6463, 6466, 6469, 6470, 6473, 6474, 6478, 6479, 6480, 6481, 6482, 6483, 6484, 6485, 6486, 6487, 6488, 6489, 6490, 6491, 6492, 6493, 6494, 6495, 6496, 6497, 6498, 6499, 6500, 6501, 6502, 6503, 6504, 6505, 6506, 6507, 6508, 6509, 6510, 6511, 6512, 6513, 6514, 6515, 6516, 6517, 6518, and 6519, Revised Statutes;

(B) Chapter 127, Acts of 56th Legislature, Regular Session, 1959 (Article 6478a, Vernon's Texas Civil Statutes); and

(C) Chapter 110, Acts of the 43rd Legislature, Regular Session, 1933 (Article 6479a, Vernon's Texas Civil Statutes);

(11) Articles 6520, 6521, 6522, 6523, 6524, 6525, 6526, 6527, 6528, 6529, 6530, 6531, 6532, 6533, and 6534, Revised Statutes;

(12) Article 6549, Revised Statutes;

(13) Articles 6551, 6552, 6553, and 6554, Revised Statutes; and

(14)(A) Articles 6555, 6556, 6557, 6558, and 6559, Revised Statutes; and

(B) the following Acts and articles as compiled in Vernon's Texas Civil Statutes: 6559g-1, 6559g-2, 6559h-1, 6559h-2, 6559h-3, 6559h-4, 6559h-5, 6559h-6,

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6559h-7, 6559h-8, 6559h-9, 6559h-10, 6559h-11, 6559i-3, 6559i-4, 6559i-5, 6559i-6, and 6559i-7.

SECTION 6. A railroad incorporated under Title 112, Revised Statutes, before the effective date of this Act:
(1) is not affected by the repeal under this Act of the laws involving incorporation under that title; and
(2) is governed by the laws involving the incorporation of railroads in effect immediately before the effective date of this Act, and the former laws are continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2007.

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6559h-7, 6559h-8, 6559h-9, 6559h-10, 6559h-11, 6559i-3, 6559i-4, 6559i-5, 6559i-6, and 6559i-7.

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